

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Oracle America, Inc.

v. Case No. 3:10-cv-03561 WHA
Google Inc.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Video Deposition of Iain M. Cockburn, Ph.D.

Friday, February 10, 2012

Analysis Group

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Boston, Massachusetts 02199

----- J. Edward Varallo, RMR, CRR -----

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1 literature trying to come up with ways in which you
2 can easily attach a value to or a relative value or
3 a ranking of patents based upon things which are
4 relatively straightforward to do for large numbers
5 of patents and don't require the concerted effort of
6 a highly qualified individual like Dr. Reinhold.

7 One of the things that people have looked
8 to is the potential for citations to be a proxy for
9 a correlate to the value of patents.

10 Q. Does the literature show that there is a
11 correlation between the value of a patent and the
12 number of times it is cited in subsequent patents?

13 MR. NORTON: Objection to form.

14 A. Most people's reading of the literature,
15 including mine, I think, would be that these studies
16 have shown that there is a correlation. It's not
17 trivial but neither is it particularly strong. We
18 call them the forward citations often, that is to
19 say, these citations received by the focal patent,
20 which means that it's been listed as prior art on
21 subsequently issued patents. If you count those up
22 in circumstances where it's meaningful to do so and
23 make adjustments where necessary, you will find
24 often that that measure will correlate with other
25 things. The Harhoff paper I've cited here is one of

1 many which have looked at these citation metrics or
2 other indicators of value and tried to establish a
3 correlation between that and economic indicia of
4 value.

5 I wrote my Ph.D. thesis back in the mid
6 '80s, was focused on this topic.

7 Q. You didn't engage in any citation-based
8 patent valuation in preparing the February 2012
9 report. Correct?

10 A. No. I considered it. Considered it quite
11 carefully and did not do it for a couple of reasons.
12 One is a purely practical one, which is most of the
13 patents in this portfolio are relatively young and
14 that means that not enough patents have been issued
15 subsequently to be able to have the possibility of
16 citing these patents, especially once you take into
17 account lags between application and issuance and so
18 forth.

19 So a recent cohort of patents is going to
20 be one which is very difficult to assess using
21 citation analysis just because, if you like, the
22 signal-to-noise ratio buried in the number of
23 citations that a patent attracts is not favorable.
24 So that's a practical problem.

25 More generally there's the question of,

1 are these citation types of measures particularly
2 useful at discriminating at the level of individual
3 patents? Where they have been shown to be useful,
4 generally speaking, is in the context of statistical
5 studies with very large sample sizes where much of
6 the noise, if you like, can come out in the wash or
7 you have sufficient numbers of observations and
8 statistical power to use the kinds of methodologies
9 which will apply appropriate adjustments so that you
10 can meaningfully compare one patent to another.

11 Those are the circumstances under which I
12 think citation analysis stands a chance of working
13 reliably. They don't apply here.

14 Q. So if we could take a look at Exhibit 517,
15 which is the exhibits to your report, and flip to
16 Exhibit 34, and with Exhibit 34 there are three
17 charts, Exhibits 34A through 34C, which show a
18 distribution of the PatVal, Harhoff and Barney
19 studies and then a truncated Pareto distribution.

20 A. Yes.

21 Q. Have you done any statistical tests on the
22 Pareto distribution in the three studies?

23 MR. NORTON: Objection to form.

24 A. What do you mean?

25 Q. Well, have you done anything to test the

1 We are going off the record. This is the end of
2 tape 4 and the end of the deposition of Dr. Iain
3 Cockburn.

4 (Deposition concluded at 3:40 p.m.)
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14 WITNESS
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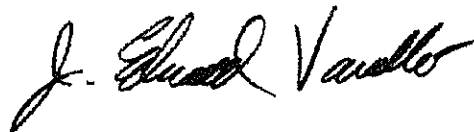
1 COURT REPORTER'S CERTIFICATE

2 I, J. Edward Varallo, RMR, CRR, Registered
3 Professional Reporter and Notary Public in the
4 Commonwealth of Massachusetts (my commission expires
5 12/24/2015), hereby certify that the deposition of
6 Iain M. Cockburn, Ph.D. taken on February 10, 2012,
7 in the matter of Oracle America, Inc. v. Google Inc.
8 was recorded by me stenographically and transcribed;
9 that before being sworn by me, the deponent provided
10 satisfactory evidence of identification as required
11 by Executive Order 455 (03-13) of the Governor.

12 I certify that the deposition transcript
13 produced by me is true and accurate to the best of
14 my ability.

15 I certify further that I am not counsel,
16 attorney, or relative of any party litigant, and
17 have no interest, financial or otherwise, in the
18 outcome of this suit.

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24 DATED: 2/20/2012



25 J. Edward Varallo